

REMARKS

In response to the Examiner's objection to the term "terminal", this term has been changed to the term "device". For support, see page 1, lines 8-9, of the specification where the terminal is described as a portable computing device. The device is shown in Fig. 1 by the laptop computer 1 and in Fig. 5 by the device 10. As requested, applicant has added the adjectives "mobile, hand-held" before each occurrence of the term "device (terminal)" throughout the claims.

In response to the objection to the term "server", this term has been amended to "server software". For support, see page 10, lines 2-3 and line 12 of the specification.

On the merits, newly cited U.S. Patent No. 5,809,415 to Rossmann is not relevant to the claimed invention. Rossmann does not disclose or suggest any server software in the device for establishing a site having a network address for the device. Also, Rossmann does not store or transmit any data relating to the environment of the device.

Rossmann discloses a telephone network that interacts with a "remote" server on a computer network. For example, the telephone 100 of Fig. 1 communicates with a cellular network 110 and, in turn, over the Internet 140 via a server 141. There is no server software in the telephone 100 that establishes a website having a network address for the telephone. There is no capture, storage, or transmission of any data relating to the environment of the telephone.

The Examiner has directed the applicant's attention to the telephone 700 of Fig. 7 and to the "server 802-803 of Fig. 8a". As the Examiner will note upon reconsidering Fig. 7, the telephone 700 does not have any server software therein. Instead, there is an independent server computer 743 with its own HTTP server software 749. The server software 749 is not within the telephone, nor is it intended to be. Rossmann specifically states at col. 24, lines 61-63, that the applications on the HTTP server 749 are "independent" of the two-way communications device (i.e., the telephone) with which the HTTP server 749 is interacting.

The reference numerals 802, 803 in Fig. 8a of Rossmann merely initiate a request to talk to the server 749. The connection is only established in the dedicated server computer 743 remote from the telephone.

As for this issue that Rossmann lacks any teaching that data relating to the environment of the device can be captured, stored or transmitted, the Examiner took Official Notice that transducers are well known. Applicant agrees that, generally speaking, transducers are well known, but disputes that it is obvious to incorporate a transducer into Rossmann's telephone. A telephone is an instrument where a user's voice is transmitted, or even where text entered by a user is transmitted. There is no hint whatsoever that Rossmann wishes to incorporate any transducer, nor any hint that Rossmann wishes to capture, store or transmit any data relating to the environment of the telephone. Absent any such motivation, the Examiner's obviousness rejection cannot stand.

Petition is hereby made for a one-month extension of the period to respond to the outstanding Official Action to October 17, 2005. A check in the amount of \$120.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of the amendment, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

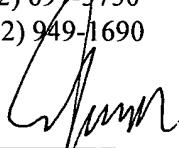
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